

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

GABRIEL MIDALGO,

Plaintiff,

-v.-

9:06-CV-0330
(DNH)(RFT)

MCLAUGHLIN, Inspector General; COMMISSIONER GOORD;
SGT. OLSEN; C.O. CARTER; C.O. MILLER; C.O. REED;
C.O. DRUKIN; and C.O. DRULIT,

Defendants.

APPEARANCES:

GABRIEL MIDALGO

97-A-7235

Plaintiff, *pro se*

Southport Correctional Facility

P.O. Box 2000

Pine City, NY 14871

RANDOLPH F. TREECE

United States Magistrate Judge

DECISION and ORDER

The Clerk has sent to the Court a civil rights Complaint filed by *pro se* Plaintiff Gabriel Midalgo who is currently incarcerated at Southport Correctional Facility. Dkt. No. 1. Plaintiff has paid the filing fee required for this action.

In his *pro se* Complaint, Plaintiff alleges that while incarcerated at Clinton Correctional Facility, Defendants, *inter alia*, failed to protect him from a known danger, used excessive force against Plaintiff, denied Plaintiff access to the Courts, interfered with Plaintiff's mail, denied Plaintiff medical care in deliberate indifference to his serious medical needs, destroyed Plaintiff's legal documents, contaminated Plaintiff's food, and retaliated against Plaintiff for filing grievances and complaints. For a more complete statement of Plaintiff's claims, reference is made to the entire Complaint.

WHEREFORE, it is hereby

ORDERED, that the Clerk shall issue Summonses and forward them to Plaintiff. It is the responsibility of Plaintiff to immediately serve the Defendants with the Summons and a copy of his Complaint in accordance with the Federal Rules of Civil Procedure. The Clerk shall forward a copy of the Summons and Complaint by mail to the Office of the Attorney General for the State of New York, together with a copy of this Order; and it is further

ORDERED, that a response to Plaintiff's Complaint be filed by the Defendants or their counsel as provided for in the Federal Rules of Civil Procedure after service of process on the Defendants; and it is further

ORDERED, that all pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that a true and correct copy of it was mailed to all opposing parties or their counsel. Any document received by the Clerk or the Court which does not include a certificate of service showing that a copy was served upon all opposing parties or their attorneys will be returned, without processing.** Plaintiff must comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned Magistrate Judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in Plaintiff's address; his failure to do so will result in the dismissal of this action.** All motions will be decided on

submitted papers without oral argument unless otherwise ordered by the Court; and it is further

ORDERED, that the Clerk serve a copy of this Order on the Plaintiff by regular mail.

SO ORDERED.

Date: May 31, 2006
Albany, New York



RANDOLPH F. TREECE
United States Magistrate Judge